

BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION

NOV 14 2005

In the Matter of Tariff No. 3 of)
Time Warner Cable Information Services)
(Missouri), LLC d/b/a Time Warner Cable)

Missouri Public
Service Commission

Case No. LT-2006-0162
Tariff File No. JL-2006-0231

TIME WARNER'S OPPOSITION TO INTERVENTION

TIME WARNER CABLE INFORMATION SERVICES (MISSOURI), LLC d/b/a Time Warner Cable ("TWCIS") respectfully submits to the Missouri Public Service Commission (the "Commission") this opposition to the Application to Intervene of the Missouri Independent Telephone Company Group ("MITG"). The Application fails to assert facts that satisfy the Commission's criteria for intervention and should therefore be denied. In support of its opposition, TWCIS states as follows:

1. The standard for intervention in Commission proceedings is set forth at 4 CSR 240-2.075. The Commission may authorize intervention on a showing that: (a) the proposed intervenor has an interest different than that of the general public that may be adversely affected by a final order in the case; or (b) granting the proposed intervention would serve the public interest. MITG's proposed intervention does not meet either of these tests.

2. MITG indicates that it is interested in three specific issues. First, it is interested in the manner in which VoIP providers will be permitted to compete with regulated incumbent and competitive LECs. This issue is clearly not relevant to the tariff filing, as the TWCIS tariff in question now does not include any VoIP services and TWCIS does not directly compete with any of MITG's companies. To the extent that VoIP providers compete with MITG's companies, MITG should address such issues in separate proceedings on the

individual facts and merits of the issues. TWCIS' instant tariff filing addresses only TWCIS' rights, duties and obligations with respect to the provision of telecommunications services and in no way affects MITG.

3. Second, MITG indicates it is concerned about the extent to which VoIP providers are subject to regulation by the Commission. For the reasons noted above, TWCIS' tariff filing raises no such broad issue. The Federal Communications Commission ("FCC") has preempted state regulatory authority regarding certain matter relating to VoIP communications, and proceedings that may further define state regulatory authority over VoIP remain pending before the FCC. Clearly this proceeding would be an inappropriate forum in which to determine the extent to which state regulatory bodies, such as this Commission, will have authority to regulate VoIP providers, particularly given the FCC's pronouncements on those issues.

4. Third, MITG is concerned about ensuring that VoIP-originated traffic delivered to MITG networks for termination is properly handled to assure appropriate intercompany compensation. Nothing in TWCIS' tariff filing even remotely raises this issue. The tariff filing does not alter the intercompany compensation arrangements that apply to the telecommunications traffic between TWCIS and all other companies, including MITG's companies. If MITG believes that it is not receiving appropriate intercompany compensation for TWCIS telecommunications tariff, it should file a complaint in which such issues can be appropriately addressed on their merits.

4. MITG has further asserted that

...Time Warner desires the benefits of MoPSC certification as a competitive local exchange company, but also desires tariff or regulatory flexibility not afforded other CLECs. Specifically Time Warner proposes to delete specified

rates for telecommunications service tariffs and replace specified rates with individual case basis charges (ICB).

MITG's assertions are absolutely wrong. TWCIS' tariff simply deletes all reference to Time Warner Cable's IP-enabled Digital Phone offering and incorporates the tariff language for the private line and local services that have been previously approved for Time Warner Cable, an affiliate of TWCIS. Upon approval of the tariff, TWCIS would remain as a regulated entity with no greater ICB pricing flexibility than it and its affiliate had prior to approval.

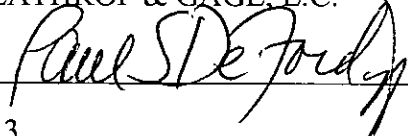
5. With respect to demonstrating that its participation in this proceeding would further the public interest, MITG states only that it has "...expertise, insights, and analysis which may assist the Commission in understanding the impacts of the issues raised by the tariffs here at issue." However, as the "issues" identified by MITG are either not relevant or nonexistent, this conclusory statement about MITG's expertise is clearly insufficient to show that the public interest would be promoted by its participation in this proceeding. In fact, any delay in approval of the tariff is detrimental to the public interest.

6. Because the "issues" identified by MITG are not raised by TWCIS' tariff filing, it is not possible that MITG's interests could be adversely affected by a final order in this case. Similarly, MITG has made no showing that its participation would serve the public interest. MITG has not met either of the standards necessary to be granted intervention.

WHEREFORE, for the reasons set forth above, MITG's Application to Intervene should be denied.

Respectfully submitted,

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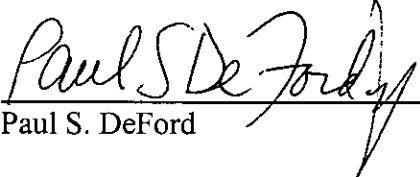
Dated: November 14, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Time Warner's Opposition to Intervention has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 14th day of November, 2005, to:

Case No. LT-2006-0162

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